

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF IOWA

IN RE: SHAWN M. WEST ALISON L. FUNCK WEST, Debtors.	Case No. 19-00494-lmj1 NEBRASKA FURNITURE MART'S OBJECTION TO THE DEBTORS' CHAPTER 13 PLAN
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COMES NOW Nebraska Furniture Mart, Inc., a creditor in the above-captioned matter, by and through the undersigned attorney, and in support of its objection to the Debtors' Chapter 13 Plan, respectfully states to the Court as follows:

1. Shawn M. West and Alison L. Funck West (hereinafter referred to as the "Debtors") filed a Petition in this Court under Chapter 13 of the United States Bankruptcy Code on or about March 15, 2019, and filed their Chapter 13 Plan on or about March 15, 2019.

2. Nebraska Furniture Mart, Inc. (hereinafter referred to as "NFM") is a secured creditor of the Debtors as more specifically evidenced in Proof of Claim Nos. 5 and 6 (hereinafter referred to as the "Claims") filed in the above-captioned matter. The Claims and all attachments thereto are specifically incorporated herein by this reference.

3. The Debtors purchased certain goods and wares as more specifically described in the Claims. The purchases were made pursuant to a Revolving Charge Agreement (hereinafter referred to as the "Agreement"). Pursuant to the terms and conditions of the Agreement, NFM has a properly perfected purchase money security interest in the goods and wares purchased by the Debtors.

4. The Debtors' Plan fails to provide for the distribution for the allowed secured claims of NFM in violation of 11 U.S.C. § 1325 and/or is attempting to cram down the value of NFM's secured claims in violation of the hanging paragraph found in 11 U.S.C. § 1325. Additionally, the Plan fails

to provide periodic payments sufficient to provide NFM adequate protection during the period of the Plan in violation of 11 U.S.C. § 1325. The Plan further fails to provide Nebraska Furniture Mart with the appropriate *Till* rate of interest. As such, the Debtors' Plan is not confirmable.

WHEREFORE, Nebraska Furniture Mart, Inc., respectfully requests this Court to deny confirmation of the Debtors' Chapter 13 Plan and for such other and further relief as this Court deems equitable and just under the circumstances.

Respectfully submitted,

WETSCH ABBOTT OSBORN VAN VLIET PLC

By: /s/ Timothy J. Van Vliet
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CERTIFICATE OF SERVICE

By signing above, the attorney certifies that a true and accurate copy of the foregoing instrument was duly served upon the following parties at the addresses shown below by depositing said document addressed to each person, enclosed in sealed envelopes with proper postage affixed thereto, in a United States Post Office depository in West Des Moines, Iowa, on April 8, 2019.

Shawn M. West
1660 NW 99th Court
Clive, IA 50325

Alison L. Funck West
1660 NW 99th Court
Clive, IA 50325

By signing above, the attorney certifies that on April 8, 2019, this document was filed electronically in the United States Bankruptcy Court, for the Southern District of Iowa. This document was served electronically to all parties registered with the Bankruptcy Court to receive CM/ECF email service in this case.